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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,328	07/08/2003	Shigeo Toji	Q76378	7335

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EXAMINER

PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,328

Applicant(s)

TOJI, SHIGEO

Examiner

William B. Perkey

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 10-13, 18-22 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 14-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03-29-04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-3, 9, 14-17 and 23-25 in the reply filed on August 4, 2005 is acknowledged. Claims 4-8, 10-13, 18-22 and 26-30 are withdrawn from consideration as drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Satoh (U.S. Patent No. 6,700,615 B1).

Satoh shows an auto focus camera in Fig. 1; a taking system that includes a movable focusing lens 101, in Fig. 1; a lens driving mechanism is driven by the focal lens driving circuit 109; a pickup element 103; an aperture stop unit 102; an aperture stop shifting mechanism is disclosed in the embodiments of Figs. 7A-7F; and an in-focus controller 106-108. As shown in Figs. 7A-7F, the size of the diaphragm opening is changed to adjust the light amount.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2851

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh in view of Kimura et al. (U.S. Patent No. 4,599,653).

Satoh shows the claimed invention, as explained above, except for a manual focus device and a display panel displaying first and second images corresponding to the sampled images representing the focus condition. Instead, Satoh discloses only an auto focus system with no manual focus mode or focus condition display. Kimura et al. discloses a television camera having manual focus with a focus condition display device displaying the sampled first and second images of a split image. The focus condition detection circuitry is of the phase difference type, just like Satoh. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to provide the Satoh camera with a manual focus mode with focus condition display using the first and second sampled images in order to obtain the desirable feature of obtaining user control of the focus lens.

6. Claims 2, 3 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 and 17 above, and further in view of Erlichman (U.S. Patent No. 3,977,012).

The references as applied to claims 1 and 17, explained above, meets the claimed invention except for first and second aperture stop blades having inner curved edges opposed to each other and first and second blade actuators wherein each actuator includes a rack, pinion and motor. Satoh does not disclose any particular structure for the diaphragm mechanism in Figs. 2A, 2B, 3A-3D, 4A, 4B and 7A-7F. Erlichman shows a conventional exposure blade mechanism

Art Unit: 2851

having two blades, each with a curved inner edge, and an actuator for each blade. The first actuator, for blade 40, includes a rack 54, pinion 52 and motor 60. The second actuator, for blade 42, includes a rack 56, pinion 52 and motor 60. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to make the diaphragm mechanism¹⁰² similar to the exposure blade mechanism taught by Erlichman in order to implement the invention of Satoh.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey, whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp